

1 WILLIAM J. SCHROEDER
2 **KSB LITIGATION, P.S.**
3 510 W. Riverside Ave., Ste. 300
4 Spokane, WA, 99201
5 William.Schroeder@KSBLit.legal
6 Attorneys for Defendant
7 Packaging Corporation of America

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF WASHINGTON**

10 AARON E. SPOON and
11 MERLINE SPOON, husband
12 and wife,
13
14 Plaintiffs,
15
16 vs.

No. 21-cv-05057-SAB

**DEFENDANT PACKAGING
CORPORATION OF
AMERICA'S ANSWER AND
AFFIRMATIVE DEFENSES**

15 PACKAGING
16 CORPORATION OF
17 AMERICA; KONE, INC.,
18
19 Defendants.

20 COMES NOW Packaging Corporation of America (the "Answering
21 Defendant"), by and through its attorneys, and for Answer to Plaintiff's
22
23 Complaint, admits, denies, and alleges as follows:

24 1. The Answering Defendant admits paragraphs I., II, III, and
25
26 IV.

27 DEFENDANT PACKAGING
28 CORPORATION OF
AMERICA'S ANSWER AND
AFFIRMATIVE DEFENSE - 1

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510 W. RIVERSIDE AVE., STE 300
SPOKANE, WA 99201
(509) 624-8988

1 2. In answer to paragraph V., the Answering Defendant admits
2 that Kone Inc. ("Kone") provided advice and consultation to the
3 Answering Defendant concerning its elevators and elevator operations.
4 As to the remaining allegations of paragraph V, the Answering
5 Defendant is without sufficient information to form a belief as to the
6 truth of the allegations, and, therefore, denies the same and leaves
7 Plaintiffs to their burden of proof.
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11 3. In answer to paragraph VI, the Answering Defendant admits
12 that the accident at issue took place in Walla Walla County,
13 Washington. The Answering Defendant admits that prior to the case
14 being removed to federal court, jurisdiction was initially in Walla Walla
15 County Superior Court.
16
17

18 4. In answer to paragraph VII, the Answering Defendant
19 admits that Plaintiff Aaron Spoon ("Spoon") was assisting with the
20 removal of items from a freight elevator. The Answering Defendant
21 admits that the elevator doors closed, and Spoon was injured. The
22 Answering Defendant denies all other allegations contained in
23 paragraph VII.
24
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1 5. In answer to paragraph VIII, the Answering Defendant
2 admits that at the time of the accident, Spoon was not employed by the
3 Answering Defendant. As to the allegation concerning Washington's
4 worker's compensation laws, this allegation sets forth a question of law
5 to which no response is required. As to the remaining allegations
6 contained in paragraph VIII, the Answering Defendant is without
7 sufficient information to form a belief as to the truth of the allegations,
8 and, therefore, denies the same and leaves Plaintiffs to their burden of
9 proof.
10

11 6. In answer to paragraph IX, the Answering Defendant is
12 without sufficient information to form a belief as to the truth of the
13 allegations, and, therefore, denies the same and leaves Plaintiffs to
14 their burden of proof.
15

16 7. The Answering Defendant admits paragraph X.
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18 8. The Answering Defendant denies all allegations contained in
19 paragraph XI, including subparts thereto.
20

21 9. In answer to paragraph XII., the Answering Defendant
22 admits that Kone was negligent.
23

24 10. The Answering Defendant denies paragraph XIII.
25

1 11. In answer to paragraph XIV, the Answering Defendant is
2 without sufficient information to form a belief as to the truth of the
3 allegations, and, therefore, denies the same and leaves Plaintiffs to
4 their burden of proof.
5

6 12. The Answering Defendant denies paragraph XV.
7

8 BY WAY OF FURTHER ANSWER to Plaintiffs' Complaint and as
9 AFFIRMATIVE DEFENSES THERETO, the Answering Defendant, to
10 the extent established by the evidence, alleges as follows:
11

- 12 1. Plaintiffs fail in whole or in part to state a claim or cause of
13 action for which relief may be granted;
14
- 15 2. Plaintiffs' injuries/damages, if any, were not the result of any
16 negligence or fault on the part of the Answering Defendant;
17
- 18 3. Plaintiffs' injuries/damages, if any, were proximately caused in
19 whole or in part by Defendant Kone;
20
- 21 4. Plaintiffs' injuries/damages, if any, were proximately caused in
22 whole or in part by a party over whom the Answering Defendant
23 has no authority or control;
24

1 5. Plaintiffs' injuries/damages, if any, may have been sustained or
2 increased and aggravated by Plaintiffs' failure to mitigate their
3 damages;
4

5 6. Plaintiffs' injuries/damages were caused in whole or in part by
6 Plaintiff Aaron Spoon's own negligence;
7

8 7. If liability is determined, all at fault parties should be
9 apportioned fault pursuant to applicable Washington statutes
10 including, but not limited to, RCW 4.22.070; and
11

12 8. The Answering Defendant reserves the right to amend its
13 Answer to allege additional affirmative defenses as further
14 discovery is completed.
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16 WHEREFORE, having fully answered Plaintiffs' Complaint, the
17 Answering Defendant prays as follows:
18

- 19 1. That Plaintiffs' Complaint be dismissed with prejudice;
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21 2. For costs and disbursements incurred herein;
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23 3. For attorney's fees as allowed by law; and
24
25 4. For such other and further relief as the Court deems just and
26 equitable.
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Submitted this 15 day of April, 2021,

KSB LITIGATION, P.S.

By: s/ William J. Schroeder

William J. Schroeder

510 West Riverside Ave., Ste. 300

Spokane, Washington, 99201

william.schroeder@KSBLit.legal

Attorneys for Defendant

Packaging Corporation of America

CERTIFICATE OF SERVICE

I hereby certify that on this day of April 15, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I have mailed by United States Postal Service the document to the following non-CMECF participants:

[none]

/s/ William J. Schroeder
William J. Schroeder